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Application No. 00 202 394.3 - 2307	Ref. 1108334-0386-EP	Date 08.12.2003
Applicant Saint-Gobain Performance Plastics Corporation		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



GOLOMBEK G
Primary Examiner
for the Examining Division

Enclosure(s): 3 page/s reasons (Form 2906)

Datum
Date 08.12.2003
DateBlatt
Sheet 1
FeuilleAnmelde-Nr.:
Application No.: 00 202 394.3
Demande n°:

The examination is being carried out on the **following application documents**:

Text for the Contracting States:

AT BE CH CY DE DK ES FI FR GB GR IE IT LU MC NL PT SE LI

Description, pages:

2,7,15-19,22-31 as originally filed

1,3-6,8-14,20,21 as received on 29.08.2002 with letter of 27.08.2002

Claims, No.:

1-20 as received on 19.05.2003 with letter of 13.05.2003

Drawings, sheets:

1/4-4/4 as received on 08.09.2000 with letter of 06.09.2000

- 1 The primary examiner withdraws his objections concerning Article 123(2) EPC.
- 2 Taking into account applicant's argumentation set forth in his letter dated 13.05.2003 D2 = US-A-4 530 276 (see page 1 of applicant's letter dated 27.08.2002). D2 shows in figure 2 a toaster having a heated cooking surface (platen 42) and a conveyor belt for moving food items (46, 68), whereby the conveyor belt comprises a multiplicity of ribs projecting from their surfaces (see figure 2) having surface characteristics to impart sufficient lateral force to move the food along the cooking surface.

The subject-matter of claim 1 differs from the apparatus (toaster) known from D2 in that the conveyor belt comprises a flexible composite having a coated surface and a reinforcement material.

However, these features have already been employed for the same purpose (design of a conveyor belt used in a hot environment) in a similar apparatus, see document D4 = US-A-4 899 872, column 2, lines 42 - 50 and figure 1. It would be obvious to the person skilled in the art, namely when the same result is to be achieved (flexible belt), to apply these features with corresponding effect to an apparatus according to document D2, thereby arriving at an apparatus according to claim 1.



Although, D4 does not mention that the belt is used for food production, it belongs to general knowledge of those skilled in the art that a PTFE coated article, either belt or metal, can be used for cooking.

Therefore, the subject-matter of claim 1 does not involve an inventive step in the sense of Article 56 EPC and the claim itself does not meet the requirements of Article 52(1) EPC.

4 Dependent claims 2 - 14 disclose features

- a) which are either known from D4, compare e.g. the coating being a fluoroplastics (PTFE) according to claim 6 presently on file to column 4, lines 1 and 2
- or
- b) which a person skilled in the art is able to manage without being inventive using his general knowledge e.g. the different materials for the ribs according to claim 8 presently of file.

5 Objections being contrary to Article 84 EPC

5.1 Claims 1, 15, 16 and 19 have been drafted as separate independent claims.

Under Article 84 in combination with Rule 29(2) EPC an application may contain more than one independent claim in a particular category only if the subject matter claimed falls within one or more of the exceptional situations set out in paragraphs (a), (b) or (c) of Rule 29(2) EPC. This is not the case in the present application however, since claims 15 and 16 are directed to integral parts of the apparatus of claim 1 already having the same features.

5.2 The feature "surface characteristics of said coating allowing said conveyor belt to impart sufficient lateral force to move the food along the cooking surface". Thus, claim 1 attempts to define the subject-matter in terms of the result to be achieved. Such a definition is only allowable under the conditions elaborated in the Guidelines C-III, 4.7. In this instance, however, such a formulation is not allowable because it appears possible to define the subject-matter in more concrete terms, viz. in terms of how the effect is to be achieved by disclosing the sort of material used.



Bescheid/Protokoll (Anlage)		Communication/Minutes (Annex)	Notification/Procès-verbal (Annexe)
Datum Date Date	08.12.2003	Blatt Sheet Feuille	3
			Anmelde-Nr.: Application No.: 00 202 394.3 Demande n°:

- 5.3 The feature "short periods" according to claim 17 is not clear, since the wording "short" is vague. Therefore, a person skilled in the art does not know whether .0001 seconds or several minutes are ment.
- 6 The applicant is invited to file amendments taking into account the following objections.
- 6.1 It is appropriate to draft claims to be filed in the two-part form as required by Rule 29(1) EPC, whereby the features known from D2 should be placed in the preamble. Furthermore, the applicant is invited to file only one independent claim directed to an apparatus.
- 6.2 To meet the requirements of Rule 27(1)(b) EPC, the documents D2 and D4 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.
- 6.3 When filing amendments the applicant is invited to meet the requirements of the guidelines E II 1.
- 6.4 When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims whereby all passages which do not concern the subject-matter claimed should be deleted as required by Rule 34(1c) EPC. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).